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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Art Unit: 2644  
Thomasson : Examiner: J. Harold  
Serial No.: 09/476,468 : Date: January 21, 2003  
Filed: December 30, 1999 :  
For: *Band-by-Band Full Duplex Communication*

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS  
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Date of Deposit

Paul G. Wille

1-21-03

Signature

Date

RESPONSE

Honorable Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

SIR:

In response to the Office Action dated October 23, 2002, the following remarks are presented.

REMARKS

Reconsideration of the above-identified application is respectfully requested.

The Office Action dated October 23, 2002, is indicated as final. It is requested that the finality be withdrawn. MPEP §706.07(a) says the following.

“Under present practice, second or any subsequent actions on the merits shall be final, *except where the examiner introduces a new ground of rejection* that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an